IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 454 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VASANTBHAI SELIYABHAI GAVIT

Versus

KESARSINH INDRASINH VASAVA

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Appearance:

1. Appeal from Order No. 454 of 1999

MR DR DHIMAR for Petitioner No. 1

MR ZUBIN F BHARDA for Respondent No. 1

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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. The appellant - plaintiff has challenged in this Appeal the impugned order dated 22.7.1999 passed by the learned 4th Joint Civil Judge (S.D.), Surat, Camp at Bardoli, below Ex.5 in Special Civil Suit No.42 of 1998

whereby the learned Judge rejected the Application Ex.5 and vacated the ad.interim injunction granted earlier.

2. Along with this Appeal the appellant has filed civil Application No.10350 of 1999 wherein this Court had initially granted ex-parte interim relief in terms of Para : 3(B) and later on the said interim relief was confirmed after hearing Mr.Bharda, learned Counsel for the respondent on 14.12.1999.

3. Having regard to the peculiar facts and circumstances of the case both the learned Counsel for the parties agreed that this Appeal may be disposed of without going into the legality and validity of the impugned order passed by the learned trial Judge with a direction to the learned Judge to dispose of the Special Civil Suit No.B-42/98 as early as possible.

4. In view of the above, this Appeal is disposed of with a direction to the learned Judge to dispose of the Special Civil Suit No.B-42/98 as early as possible, preferably on or before 30th September 2002. The parties shall fully cooperate with the final disposal of the Suit. Till then the ad.interim relief granted earlier by this Court in Civil Application No.10350 of 1999 in favour of the appellant - plaintiff shall continue. Till the final disposal of the Suit the appellant - plaintiff shall not transfer or sale the land in question.

sd/-

Date : September 18, 2001 (B.J.Shethna, J.)

*sas*